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Note verbale dated 12 June 2014 from the Permanent Mission of Montenegro to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Montenegro to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to submit to the Committee the following documents (see annex) adopted by the Government of Montenegro at its session of 8 May 2014:

(a) National report on the implementation of resolution 1540 (2004);

(b) Action plan for the implementation of resolution 1540 (2004) for the period 2014 to 2018.*

* The action plan is not included in the present document but both the report and the action plan will be posted on the Committee's website in accordance with the established practice of the Committee.

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Annex to the note verbale dated 12 June 2014 from the Permanent Mission of Montenegro to the United Nations addressed to the Chair of the Committee

Report on the implementation of Security Council resolution 1540 (2004) by Montenegro

Montenegro is fully committed to the preservation of peace and security and the fight against terror and organized crime. Montenegro is a State party to all the most important international agreements related to the proliferation of weapons of mass destruction and their means of delivery, and it is particularly active in the field of prevention of the proliferation of nuclear, chemical, and biological weapons. Additionally, Montenegro is a State party to all relevant international treaties on conventional weapons disarmament and implements an efficient system of export control of weapons, military equipment and dual-use goods, which is fully harmonized with the European Union regulations.

In accordance with its strategic commitment to contribute to stability and global peace, Montenegro undertakes activities and measures to fulfil its obligations stemming from relevant international agreements against weapons of mass destruction in a timely manner and builds its national legislation framework and administrative capacities in order to implement resolution 1540 (2004).

Multilateral framework

Montenegro is a State party to 15 legal instruments in the field of protection against radiation and radiological and nuclear safety, and has adopted the following legislation in relation to the prohibition of weapons of mass destruction: the law on the ratification of the Treaty on the Non-Proliferation of Nuclear Weapons (Official Gazette of the Federal Republic of Yugoslavia, No. 010/70-313); the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Official Gazette of the Federal Republic of Yugoslavia, No. 011/63-580); the decree ratifying the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (Official Gazette of the Federal Republic of Yugoslavia, No. 033/73-957); the Comprehensive Nuclear Test-Ban Treaty, including its protocol (Official Gazette of Serbia and Montenegro, No. 4/04-3); the International Convention for the Suppression of Acts of Nuclear Terrorism[1] (Official Gazette of the Federal Republic of Yugoslavia, No. 02/06-3); and the law ratifying the agreement between Montenegro and the International Atomic Energy Agency

[1] Regarding the International Convention for the Suppression of Acts of Nuclear Terrorism (Official Gazette of Serbia and Montenegro, No. 02/06-3), the succession in relation to the signature has been completed. Serbia and Montenegro did not deposit an instrument of ratification. The Government of Montenegro is currently analysing the provisions of this Convention, the Amendment to the Convention on the Physical Protection of Nuclear Material and the Convention on the Physical Protection of Nuclear Material to verify whether they have been adequately transposed into the criminal code of Montenegro.
Given the necessity to verify whether the criminal code and the law on ionizing radiation protection and radiation safety are harmonized with the Amendment to the Convention on the Physical Protection of Nuclear Material, the competent Ministry is planning to create a draft law on the verification of that Amendment.

(IAEA) on the implementation of safeguard measures in relation to the Treaty on Non-Proliferation of Nuclear Weapons and the protocol and additional protocol to that agreement (Official Gazette of Montenegro, International treaties, No. 16/10 of 28 December 2010).[2]

Montenegro is a State party to an important international agreement that prohibits the use of other categories of weapons of mass destruction, namely biological and chemical weapons: adopted through the decree on the ratification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Official Gazette of the Socialist Federal Republic of Yugoslavia, International contracts and other agreements, No. 43/74) and the law on the ratification of the same Convention (Official Gazette of the Federal Republic of Yugoslavia, International contracts and other agreements, No. 2/00).

Montenegro is fully committed, in accordance with its foreign policy priorities and commitments, to the non-proliferation of weapons of mass destruction, through the implementation of international agreements related to the fight against terrorism, namely: the Convention on Offences and Certain Other Acts Committed On Board of an Aircraft (Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 47/70), the Convention for the Suppression of Unlawful Seizure of Aircraft (Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 33/72), the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 33/72), the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Official Gazette of the Socialist Federal Republic of Yugoslavia, International contracts, No. 54/76), the International Convention against the Taking of Hostages (Official Gazette of the Socialist Federal Republic of Yugoslavia, International contracts, No. 9/84), the Convention on the Physical Protection of Nuclear Material (Official Gazette of the Socialist Federal Republic of Yugoslavia, International contracts, No. 9/85), the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Official Gazette of the Socialist Federal Republic of Yugoslavia, International contracts, No. 2/04), Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Official Gazette of the Socialist Federal Republic of Yugoslavia, International contracts, No. 14/89), Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Official Gazette of the Federal Republic of Yugoslavia, International contracts, No. 6/04), the International Convention for the Suppression of Terrorist Bombings (Official

[2] Montenegro does not follow yet the IAEA "Code of Conduct on the Safety and Security of Radioactive Sources" and "Guidance on the Import and Export of Radioactive Sources". Even though Montenegro has not yet formally signed the Code of Conduct, in reality almost all its provisions have been implemented. The reason for Montenegro not signing it is because the Code is not in line with European Council directive 2003/122/EURATOM on the control of high-activity sealed radioactive sources and orphan sources. After the new European Union directive on basic safety standards, which harmonizes the Code of Conduct and directive 2003/122/EURATOM, is adopted, the competent institutions in Montenegro shall adopt the new law on ionizing radiation protection and radiation safety and, after that, sign the IAEA Code of Conduct.

Gazette of the Federal Republic of Yugoslavia, International contracts, No. 12/02) and the International Convention for the Suppression of the Financing of Terrorism (Official Gazette of the Federal Republic of Yugoslavia, International contracts, No. 7/02). Montenegro is going to become a State party to other relevant international agreements.

The dedication of Montenegro to the principles of international law is confirmed through article 9 of its constitution, which stipulates that the ratified and published international agreements and generally accepted rules of international law shall make up an integral part of the internal legal order, shall have supremacy over national legislation and shall be directly applicable when they regulate relations differently from the internal legislation.

Operative paragraph 1 of resolution 1540 (2004)

Montenegro does not support any non-State actors in their effort to develop, manufacture, possess, transport or use any nuclear or biological weapons or their means of delivery. The laws of Montenegro strictly prohibit such activities.

Operative paragraph 2

In accordance with the legal framework of Montenegro, it is prohibited to take any measures that can contribute to the proliferation of weapons of mass destruction or similar materials and to their means of delivery.

The criminal code of Montenegro (Official Gazette of Montenegro, Nos. 70/2003, 13/2004, 47/2006, 40/2008, 25/2010, 32/2011 and 40/2013) defines criminal acts related to: the manufacture of forbidden weapons (article 433); the manufacture, possession, procurement, transport, delivery or use of weapons, explosives, nuclear or radioactive materials or devices, nuclear, biological or chemical weapons (article 447, paragraph 5); the research and development of nuclear, biological or chemical weapons (article 447, paragraph 6); the use of deadly devices (article 447c); the destruction or damage of nuclear facilities (article 447d); coercion and training for terrorist acts (article 447b); terrorist affiliation (article 449a); and the theft of weapons and parts of combat devices (article 470).

Unlawful manufacture of weapons whose use is forbidden (article 433)

(1) Anyone who, in breach of law, other regulations or rules of international law, manufactures, purchases, sells, imports, exports or in some other manner obtains and provides another with, keeps or transports weapons, the manufacture or use of which is forbidden, or materials required for their manufacture, shall be sentenced to a prison term of one to five years.

(2) An official or responsible person who orders or enables a legal person to engage in activities referred to in paragraph 1 of the present article shall be sentenced to a prison term of one to eight years.

Terrorism (article 447)

(1) Anyone who, with the intention to seriously intimidate the citizens or to coerce Montenegro, a foreign State or an international organization to act or refrain from acting, or to seriously endanger or violate the basic constitutional, political, economic or social structures of Montenegro, foreign State or of international

organization, commits any of the following offences shall be sentenced to a prison term no shorter than five years:

(a) Attack on the life, body or freedom of another;

(b) Abduction or hostage taking;

(c) Destruction of State or public facilities, traffic systems, infrastructure, including information systems, fixed platforms in the epicontinental shelf, public good or private property that may endanger the lives of people or cause considerable damage to the economy;

(d) Hijacking of an aircraft, vessel, means of public transport or transport of goods that may endanger the lives of people;

(e) Development, possession, procurement, transport, provision or use of weapons, explosives, nuclear or radioactive material or devices, nuclear, biological or chemical weapons;

(f) Research and development of nuclear, biological and chemical weapons;

(g) Emission of dangerous substances or causing fires, explosions or floods or taking other generally dangerous actions that might harm the lives of people;

(h) Obstruction or termination of water supply, electric energy or another energy generating product supply that might endanger the lives of people.

(2) Anyone who threatens to commit a criminal offence under paragraph 1 of the present article shall be sentenced to a prison term of six months to five years.

(3) Where an offence under paragraph 1 of the present article resulted in the death of one or more persons or in a large-scale destruction, the perpetrator shall be sentenced to a prison term no shorter than 10 years.

(4) Where, during the commission of an offence under paragraph 1 of the present article, the perpetrator killed one or several persons with wrongful intent, he or she shall be sentenced to a prison term no shorter than 12 years or to a 40-year prison term.

Recruitment and training for the commission of terrorist acts (article 447b)

(1) Anyone who, for the purpose of committing an offence under article 447, recruits another person to commit or participate in the commission of that offence or to join a group of people or a criminal association or criminal organization with the intention to participate in the commission of that offence shall be sentenced to a prison term of one to 10 years.

(2) The sentence under paragraph 1 of the present article shall also be passed for anyone who, with the intention to commit an offence under article 447, gives instructions on the manufacture and use of explosive devices, firearms or other weapons or harmful or dangerous substances or who trains another person to commit or participate in the commission of that offence.

Use of a lethal device (article 447c)

(1) Anyone who, with the intention to kill another person, inflicts a serious bodily injury, or destroys or significantly damages a State or public facility, public traffic

system or another facility of great significance for the security or supply of citizens or for the economy or operation of public services, manufactures, transfers, keeps, gives to another, sets up or activates a lethal device (explosive, chemical devices, biological devices, poisons or radioactive materials) in a public location or in a facility or next to that facility shall be sentenced to a prison term of one to eight years.

(2) Where, in committing any of the offences under paragraph 1 of the present article, the perpetrator inflicted with wrongful intent a serious bodily injury to another person or destroyed or significantly damaged a facility, he or she shall be sentenced to a prison term of five to 15 years.

(3) Where, in committing any of the offences under paragraph 1 of the present article, the perpetrator killed with wrongful intent one or more persons, he or she shall be sentenced to a prison term no shorter than 10 years or to a 40-year prison term.

Destruction of or damage to a nuclear facility (article 447d)

(1) Anyone who, with the intention to kill another person, inflicts a serious bodily injury, endangers the environment or causes significant property damage, destroys or damages a nuclear facility in a manner that results or could result in the emission of radioactive material, shall be sentenced to a prison term of two to 10 years.

(2) Where, in committing any of the offences under paragraph 1 of the present article, the perpetrator inflicted with wrongful intent a serious bodily injury to another person or destroyed or significantly damaged a nuclear facility, he or she shall be sentenced to a prison term of five to 15 years.

(3) Where, in committing any of the offences under paragraph 1 of the present article, the perpetrator killed with wrongful intent one or more persons, he or she shall be sentenced to a prison term no shorter than 10 years or to a 40-year prison term.

Terrorist association (article 449a)

(1) Where two or more persons associate for a long period to commit the criminal offences described under articles 447, 447a, 447b, 447c, 447d, 448 and 449, they shall be sentenced to the punishment prescribed for the offence for which the association was organized.

(2) The perpetrator of any of the offences referred to under paragraph 1 of the present article who prevents their commission by disclosing the association or otherwise, or who contributes to its disclosure shall be sentenced to a prison term of up to three years, and his or her punishment may be remitted.

Theft of weapons and parts of combat equipment (article 470)

(1) Anyone who steals weapons, ammunition, explosives, combat equipment or part of combat equipment serving for defence needs, shall be sentenced to a prison term of six months to five years.

(2) If the value of the objects referred to in paragraph 1 of the present article exceeds €3,000 or if the theft has been committed by breaking open safes or cabinets or breaking into locked buildings, rooms or other closed premises, or has

been committed by several persons associated to commit a theft, or in an especially dangerous or brutal manner, or by a person who carried a weapon or a dangerous tool for attack or defence, or during a fire, flood, earthquake or other fatal accident, the offender shall be sentenced to a prison term of two to 10 years.

(3) If the value of objects referred to in paragraph 1 of the present article exceeds the amount of €30,000, the perpetrator shall be sentenced to a prison term of two to 12 years.

The law on ionizing radiation protection and radiation safety (Official Gazette of Montenegro, Nos. 56/09 and 58/09) contains the following provisions: every research and activity with the aim of development, production and use of nuclear weapons, as well as use of radioactive or nuclear material for production of weapons of mass destruction is banned. This law prohibits:

(1) Building nuclear plants, plants for the production of nuclear fuel and plants for processing of used nuclear fuel;

(2) Importing radioactive waste, as well as processing, storing and disposing of radioactive waste of foreign origin on the territory of Montenegro;

(3) Trading in nuclear material on the territory of Montenegro;

(4) Installing radioactive lightning rods on the territory of Montenegro;

(5) Installing ionizing smoke detectors emitting ionizing radiation.

Operative paragraph 3

Control of foreign trade in weapons, military equipment and dual-use goods

The legal framework of Montenegro regarding the control of foreign trade in weapons, military equipment is completely harmonized with the European Union regulations in this field. Relevant laws that regulate this field contain: assessment criteria from European Council common position 2008/944/CFSP, brokering provisions, technical service and support and catch-all clauses.

The law on foreign trade in weapons, military equipment and dual-use goods (Official Gazette of Montenegro, Nos. 80/08 and 40/11) establishes an effective system of foreign trade control and procedure to obtain a permit for the import and export of and brokering services related to foreign trade in controlled goods, which means that the national legislation of Montenegro is in line with international regulations in this field.

The control of foreign trade in controlled goods implies that the entitlement to trade in these goods is granted to persons upon their inclusion in the register of persons entitled to trade internationally in controlled goods. This register is under the jurisdiction of the institution competent for foreign trade affairs (the Ministry of Economy).

Before issuing a licence, the Ministry must obtain the approval of the Ministries of Foreign Affairs, Defence and Internal Affairs. Depending on the type and purpose of controlled goods, the Ministry may also have to seek the opinion of other competent authorities. All ministries must give their approval for the Ministry of Economy to issue a licence.

The Ministry of Economy issues and certifies import certificates and certifies end-user certificates in the case of import of controlled goods into Montenegro. Together with the Ministry of Foreign Affairs, it controls all documentation, especially end-user certificates, in cases of export and of brokering of controlled goods.

The criteria established in European Council common position 2008/944/CFSP (the European Union code of conduct on arms exports) are contained in articles 18, 19 and 20 of the law and are basis for the assessment of each individual licence request.

With the aim of harmonizing the national legislation with European Council Regulation No. 428/2009 of 5 May 2009, Montenegro has adopted a law on the control of export of dual-use goods (Official Gazette of Montenegro, No. 30/12) which defines the control of export, transfer, brokering and transit of dual-use goods, in compliance with international obligations and standards and in accordance with international practice in this field.[3]

This law has strengthened the non-proliferation of weapons of mass destruction and similar materials (materials for production and transport) and decreased the possibility for controlled goods to be obtained by unauthorized end users.

Under article 6 of the law on foreign trade in weapons, military equipment and dual-use goods, the Government of Montenegro adopts and updates national control lists and harmonizes them with the European Union control lists.

Border control

In accordance with the commitments stemming from the European Union integration agenda, Montenegro has undertaken numerous measures to reform the border police and the Customs administration. These actions, aimed at strengthening administrative and technical capacities, are performed on the basis of the integrated border management strategy and its action plan. The Ministry of Interior is coordinating these actions with the interministerial working group for integrated border management.

Within the Ministry of Interior, the Government has developed and installed a computer system to manage the country's borders. This system encompasses

[3] Apart from the laws mentioned above, this subject matter is also defined in the following regulations:

- Rulebook on the licence application form and other forms for the documents needed to trade internationally in controlled goods (Official Gazette of Montenegro, No. 08/11 of 4 July 2011)
- Rulebook on the application form to register persons entitled to trade internationally in controlled goods (Official Gazette of Montenegro, No. 45/09 of 17 July 2009 and No. 08/11 of 4 February 2011)
- Rulebook on duties of Customs authorities in relation to international trade in arms, military equipment and dual-use goods (Official Gazette of Montenegro, No. 60/09 of 8 September 2009)
- Regulation of foreign trade in special-use goods (Official Gazette of Montenegro, No. 66/11 of 19 November 2011)
- Law on international trade (Official Gazette of Montenegro, Nos. 52/04 and 37/07)
- A decision on a control list for the import, export and transit of goods is issued on an annual basis in compliance with the law on international trade.

28 border crossing points (19 for road traffic, 2 for air traffic, 2 for rail traffic and 5 for maritime traffic).

Authorities at border crossing points have access to databases of persons, vehicles and travel documents of the International Criminal Police Organization (INTERPOL). In addition, they are equipped with counterfeit money detectors, carbon monoxide detectors and handheld radiation detectors. The authorities are currently testing an automatic number plate recognition system at the border crossing point of Dobrakovo. In cooperation with the police academy, the Organization for the Prohibition of Chemical Weapons, the Stockholm International Peace Research Institute, the embassy of the United States in Podgorica, through its Export Control and Related Border Security programme, and other organizations, the Customs administration conducts trainings of Customs officers, with the aim of preventing trafficking of small arms and light weapons and their ammunition.

Montenegro is going to access the INTERPOL Illicit Arms Records and Tracing Management System, supported by INTERPOL, the Organization for Security and Cooperation in Europe (OSCE), the United Nations Office for Disarmament Affairs and the United Nations Office on Drugs and Crime.

In compliance with article 36 of the law on foreign trade in weapons, military equipment and dual-use goods (Official Gazette of Montenegro, Nos. 80/08 and 40/11), Customs authorities can limit or stop foreign trade in controlled goods, or seize the controlled goods. Should they do so, they must immediately inform the ministry competent for licencing foreign trade in controlled goods.

Furthermore, the competent Customs office acts in compliance with the existing law on the control of import of dual-use goods (Official Gazette of Montenegro, No. 30/12). Under article 26 of the law, Customs authorities may limit or prohibit export, brokering services, technical support and dual-use goods transport and must immediately inform the Ministry of Economy when it does so.

In accordance with the rulebook on the actions of Customs authorities in Customs procedures related to arms, military equipment and dual-use goods (Official Gazette of Montenegro, No. 60/09), Customs authorities, when granting permission to put controlled goods through Customs procedures, must check whether the unique Customs document is accompanied by a licence issued by the competent ministry and whether the data from the licence for the transfer of controlled goods correspond to the data in the unique Customs document and to the actual condition of the goods.

"TARICG" (an electronic database of Customs and foreign trade regulations) contains the national export-import control list and the national dual-use goods control list. The website of the Customs administration (www.upravacarina.gov.me) provides the decision on the national control list for export-import (Official Gazette of Montenegro, No. 25/2013), the decision on the national control list for dual-use goods (Official Gazette of Montenegro, No. 37/2013) and the decision on the national control list for weapons and military equipment (Official Gazette of Montenegro, No. 43/2013).

The border crossing control of chemical, biological, radiological and nuclear weapons and similar materials is based on risk analysis. The risk analysis, when it comes to such controls, is based on numerous foreign trade and safety components,

where intelligence gathering is of utmost importance for system and local risk analyses.

The Customs administration of Montenegro uses information created and distributed through the Wisconsin Project on Nuclear Arms Control. The Project uncovers and publicizes dangerous export transactions and works directly with countries to improve their export control systems with a view to preventing the spread of mass destruction weapons at the very source and to stopping the shipments of such material, equipment and technology necessary for the production of such weapons.

Restrictive measures

Montenegro, in accordance with its foreign policy, complies with and implements mandatory restrictions imposed by the United Nations, the European Union and OSCE.

In compliance with the legal framework that regulates the control of international trade in weapons, military equipment and dual-use goods, Montenegro strictly complies with arms embargoes imposed by the United Nations, the European Union and OSCE.

When it comes to financial restrictive measures directed towards particular countries and legal and natural persons, in accordance with relevant Security Council resolutions, banks in Montenegro must comply with the following documents: the law on the prevention of money laundering and terrorism financing (Official Gazette of Montenegro, Nos. 14/07, 04/08 and 14/12), the guidelines on bank risk analysis aimed at preventing money laundering and terrorism financing, defined by the Central Bank of Montenegro in February 2010, and orders of the Central Bank and other competent authorities.

The administration for the prevention of money laundering and terrorism financing has published and regularly updates a terrorist list, in accordance with the relevant Security Council resolutions, and all banks have to check whether a person who initiates a transaction or business relation is on that list.

If a person who has submitted an application to establish a business relation is on the list, a bank must reject the establishment of such a business relation or reject the transaction. If the bank has established a business relation with a person who is subsequently included in the list, the bank must inform the administration for the prevention of money laundering and terrorism financing, which shall act in accordance with the law on the prevention of money laundering and terrorism financing.

Guidelines on bank risk analysis aimed at preventing money laundering and terrorism financing determine whether a client is acceptable or not.

Banks must also determine internally reasons for refusing to enter into a business relationship with a client, such as:

(a) The State of origin of the client or the client's beneficiary is on the list of non-cooperative countries issued by the financial action task force, the list of countries stated as "off-shore" zones or the list of countries considered by the supervisory body as countries exposed to risk;

(b) The client or client's beneficiary is a person from a country against which measures have been taken in Security Council resolutions;

(c) The client is a person on the list established in accordance with Security Council resolutions.

These guidelines also consider it a high-risk factor when a client has a residence, that is a permanent residence for private persons or headquarters for legal persons, in one of the following countries: countries subject to sanctions, embargoes or similar measures by the United Nations; countries which the relevant international bodies or organizations have established lack adequate laws, regulations and other measures to prevent money laundering and terrorism financing; countries financing or supporting terrorism activities or in which terrorist organizations are active; countries with a significant level of corruption or other criminal activities; countries that are not members of the European Union or signatories of the Agreement on the European Economic Area or equivalent; countries that, according to the Financial Action Task Force, belong to the list of non-cooperative countries or territories and, in case of off-shore financial centres, are listed as such by the relevant body.

The police administration takes measures and action within the scope of its competence and prohibits persons subject to international sanctions from entering Montenegro.

Teams for integrated border management, among other things, have meetings with Customs officers at all levels (central, regional and local) with a view to exchanging know-how and agreeing upon joint activities that should be taken in the case of, for instance, the prohibition of weapon export or of some transactions.

Control of radioactive energy sources

In order to establish a special regulatory infrastructure in the field of protection against ionizing radiation, the Government of Montenegro has adopted a law on ionizing radiation protection and radiation safety (Official Gazette of Montenegro, Nos. 56/09 and 58/09). Montenegro also applies a set of by-laws adopted in the late 1990s, which should be amended with the adoption of new by-laws.

Inspection control is performed on the basis of a law on inspection control (Official Gazette of Montenegro, Nos. 39/03, 76/09 and 57/11) and the law on ionizing radiation protection and radiation safety. Ionizing radiation protection is also addressed indirectly in other laws that deal with foreign trade and the transport of dangerous materials.

Within the Ministry of Sustainable Development and Tourism, Environmental Protection Agency and Administration for Inspection Affairs, the Government of Montenegro has formed a national regulatory body for radiation safety, radioactive waste management and radiation protection. In case an accident should lead to a state of emergency, the competent Ministry of Interior has formed a coordination team.

The Government of Montenegro regularly submits annual reports in compliance with the IAEA safeguards agreement and additional protocols.[4] IAEA, under article 71 of the above-mentioned agreement, conducted an ad hoc inspection between 12 and 14 November 2012, following which its inspectors confirmed the validity of the inventory of nuclear material in Montenegro.

Montenegro is a member of the IAEA incident and trafficking database for illicit trafficking of nuclear and other radioactive materials.

Control of Implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

As a Party to this Convention, Montenegro takes all necessary measures to protect biological and toxic agents adequately. Proliferation is prohibited and abuse punishable.

This subject matter is defined in more details by the following documents:

Law on the protection of population against communicable diseases (Official Gazette of Montenegro, Nos. 32/2005, 14/2010 and 30/2012). This law deals with communicable diseases that threaten the health of the population of Montenegro and infections that occur as a consequence of carrying out health-related activities, measures for the prevention and control of such diseases, the authorities competent to implement these measures and the method for securing funds for their implementation.

Law on collecting and use of biological samples (Official Gazette of Montenegro, No. 14/2010). This law deals with the collection, use, storing, keeping, transport and destruction of biological samples of human origin, collected for medical and scientific purposes, requirements that health institutions have to fulfil to perform these activities while respecting the privacy, dignity and physical and psychological integrity of human beings. The law provides that biological samples must be stored, kept, transported and destroyed in accordance with the purpose of their collection and use, medical practice and protocols and specific professional and scientific rules, while ensuring safety and confidentiality. Additionally, the law provides that the health institution must designate a person responsible for keeping and accessing biological samples.

Law on genetic data protection (Official Gazette of Montenegro, No. 25/2010). This law deals with the collection, use and keeping of genetic data obtained through genetic research and genetic sample analysis performed for medical purposes, genetic researches, the dissemination of information, advisory opinions and other issues relevant to genetic research and protection and use of data obtained in such researches.

Control of Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

In accordance with its conclusion No. 03-7056/6 and its decision to establish as from 2011 a national team for the implementation of the convention prohibiting

[4] Six national reports have been sent to the Agency.

the production, stockpiling and use of chemical weapons and their precursors, the Government of Montenegro charged the Ministry of Foreign Affairs and European Integration with coordinating the activities of the national team for the prohibition of chemical weapons, and charged competent ministries and institutions with continuing activities to implement the Convention. The national team is responsible for coordinating the activities of these competent national institutions in this field and with establishing cooperation with the Organization for the Prohibition of Chemical Weapons and its States parties.

With regard to article VI of the Convention and the regular reporting on the chemicals in schedules 1, 2 and 3 of the annex, the national administrative body competent for foreign trade concluded that Montenegro had neither imported nor exported these chemicals in quantities above the threshold at which it becomes necessary to submit a detailed report to the Organization for the Prohibition of Chemical Weapons.

Montenegro submitted a report on national chemical weapons protection programmes in compliance with article X of the Convention in 2012, in which it informed the Organization about the capacities of its competent institutions (Ministry of Defence and Ministry of Interior) to provide an adequate response to possible chemical-weapon-related accidents.

In cooperation with the Organization, the Ministry of Foreign Affairs and European Integration organized a workshop on the coordination of support and protection under article X of the Convention. The workshop, held in Tivat from 10 to 12 October 2013, gathered experts from the Organization and representatives of 21 States parties to the Convention. Given that under article X, which defines chemical accidents protection mechanisms, each party to the Convention has the obligation, to report regularly on the strengthening of national capacities in relation to accident response and training, the workshop offered the possibility to representatives of national delegations from different countries to share their experiences. Particular emphasis was put on regional networking and the creation of regional centres that would be able to respond to accidents in a timely manner. Participants also discussed how to submit a request for support, before and after accidents, which triggered further discussions on mechanisms defined in the Convention: the provision of voluntary contributions, signing of bilateral agreements and unilateral offer for support. When a support request is made, the Organization has the mandate to verify whether a chemical weapon had been used, to define which type of support is necessary and to coordinate support with other States parties. The workshop was positively assessed by the participants, especially by the Organization's representatives, who stated that the offer by Montenegro to host such an event was an additional step towards fulfilling the aims of the Convention and that they supported the commitment of Montenegro to build a world without chemical weapons.

Response in case of a state of emergency and accidents related to weapons of mass destruction

To deal with accidents that can lead to the declaration of a state of emergency, the Government of Montenegro has adopted a national state of emergency strategy (2006) and a law on protection and rescue (Official Gazette of Montenegro,

Nos. 13/07, 05/08 and 86/09). Montenegro has set up national plans for accidents caused by chemical, biological and radiation materials.

Apart from the documents mentioned above, this subject matter is covered in the following laws and by-laws:

(a) Laws

Law on transport of dangerous substances (Official Gazette of Montenegro, No. 5/08), law on explosive substances (Official Gazette of Montenegro, No. 49/08), law on flammable liquids and gases (Official Gazette of Montenegro, No. 26/10) and law on foreign trade in weapons, military equipment and dual-use goods;

(b) Rulebooks

Rulebook on the determination of the list of explosive substances that can be traded, published in the Official Gazette of Montenegro, No. 58/2011, rulebook providing details about the issuance of permits for the transport and transit of weapons, military equipment by road or sea, published in the Official Gazette of Montenegro, No. 14/13.

Montenegro has adopted a national emergency state strategy, which contains a chapter on biological, chemical and nuclear-radiological risks. The document defines the concept of measures taken when there are indications of an imminent and serious threat to the population and properties caused by natural catastrophes, technical or technological failures or terrorist acts.

The law on transportation of dangerous substances (Official Gazette of Montenegro, No. 05/08) lays down conditions for the transportation of dangerous substances and activities related to such transport (preparation of substance for transportation, loading and unloading and incidental manipulations), as well as supervision of the implementation of that law.

The law on foreign trade in weapons, military equipment and dual-use goods lays down conditions for trading internationally in controlled goods.

The law on protection and rescue (Official Gazette of Montenegro, No. 13/07) covers the field of protection and rescue, rights and duties of all participants in protection and rescue. Radiological, chemical and biological protection (article 81) includes measures and means for the timely detection and monitoring of dangers caused by accidents created by hazardous materials and radiological, chemical and biological weapons, and measures for protection and the elimination of their consequences.

The national plan for protection against chemical accidents provides recommendations, within the scope of possibility, to create better conditions for life, work and protection in case of chemical accidents, make the environment less vulnerable and minimize the loss of lives and damage to infrastructure.

The national plan for protection against biological accidents defines what is dangerous to human life and health, plants and animals, and describes protection measures to be taken to reduce the biological risk or its complete elimination, and activities of the competent institutions in case of a biological accident. Additionally, this plan defines microorganisms or other organisms that may be used as biological agents (bacteria, toxins, viruses and fungi).

The national plan for protection against radiation accidents was created in accordance with the IAEA recommendations contained in the safety standard series No. GS-R-2. It gives an overview of existing and future radiation and nuclear risks, creates the concept of organized activities of the public and private institutions in case of radiation and nuclear accidents, and addresses the prevention of accidents, mitigation of consequences and increase in readiness of appropriate country capacities and of the whole community in case of an accident in the near or distant future.

Chemical, biological, radiological and nuclear defence is a complex problem. To address it, the Government of Montenegro has formed a national team as a professional and specialized body that comprises representatives of the Ministry of Interior, Ministry of Defence, Centre for Eco-Toxicological Research, Environmental Protection Agency, Clinical Centre of Montenegro and Institute for Public Health.

Operative paragraph 6

The Government, upon suggestion from the ministry competent for foreign trade (article 6 of the law on foreign trade in weapons, military equipment and dual-use goods), adopts and updates national lists and regularly harmonizes them with the relevant European Union lists.

Operative paragraph 7

Montenegro would welcome international support in the following areas: information exchange, expert support, organization of trainings, exchange of information with other countries, detection equipment for chemical, biological, radiological and nuclear material, transport of dangerous substances and protection in relation to handling of these substances.

Montenegro shall continue to compiy with and implement the provisions of resolution 1540 (2004) and to support the non-proliferation of weapons of mass destruction, at both the national and international levels.